

REMARKS

The Office Action dated December 26, 2006 has been read and carefully considered and the present amendment submitted to better explain the present invention over the newly cited references.

In that Office Action, claims 1, 8 and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Pickering, U.S. Patent 4,161,172.

Claims 1, 8, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al, U.S. Patent 5,915,072 in view of Pickering. Claims 4 and 17-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al/Pickering and further in view of Chang, U.S. Patent 4,101,957. Claims 2-3 and 5-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al/Pickering/Chang as applied to claims 1 and 4 and further in view of Mendleski, U.S. Patent 4,646,214

As such, all of the independent claims have now been amended to better describe a feature of the present invention, that is, the present invention is an infant warming apparatus having a base with an infant platform and also includes an overhead housing that is fixed with respect to the infant platform, hence the need for some movable light that is recessed into that fixed overhead housing. Since the overhead housing itself is fixed, there is a need to provide a procedure light that is movable "with respect to that overhead housing".

The problem is inherent and possibly unique with the use of a fixed overhead housing and which is normally used with a modern infant warmer where the overhead housing also contains the radiant heater for directing the infrared energy toward the infant. As an example of a construction of an infant warmer with a fixed overhead housing, one need look no further than the Campbell et al reference cited against the present claims where the overhead housing is fixed and yet, as will be later more fully explained, Campbell et al does not have an omnidirectional procedure light nor any suggestion of how to incorporate a source a light into the overhead housing that is movable by the user.

With that in mind, turning to the Pickering reference, it is now clear that the newly amended independent claims 1, 12 and 16 are distinguishable therefrom. Pickering is a desk lamp type of fixture that is affixed by a movable arm to the apparatus and can therefore itself be moved to a desired position. It obviously would not be suitable in a infant warmer such as that disclosed by Applicant since it would not be a fixed overhead housing that could also be used for other facilities such as a location for the radiant heater. In addition, of course, while the Pickering light can move, it does not move with respect to a fixed overhead housing; instead the entire light moves.

Thus, Applicant has solved a problem not even faced by Pickering, that is, in providing a omnidirectional procedure light in a fixed housing that is normally present in modern infant warmers and it is submitted that the rejection based on Section 102(b) over Pickering should be withdrawn.

As to the rejection of claims 1, 8 and 16, based on Campbell in view of Pickering, again it is submitted that such combination does not render the claims unpatentable. First, as stated by the Examiner, the Campbell reference has recessed lights in the overhead housing but otherwise it is merely an illustration of the problem faced and solved by Applicant's invention. Campbell is owned, on its face by a large company that produces infant care apparatus and yet does not show, or suggest, that it would be advantageous to have a procedure light movable omnidirectionally. Instead, the Campbell apparatus utilizes two recessed lights in order to get the desired coverage of the infant. Applicant, on the contrary, employs only one light but it is movable omnidirectionally with respect to the fixed housing.

In the rejection of claim 1, the position is apparently taken that it would be obvious to take Campbell that has two, immovable recessed lights in an overhead housing and simply add the light of Pickering. However, that combination would seem to produce an overhead housing with two movable arms sticking outwardly therefrom with lights at the end of those arms since there does not seem to be any way to affix the Pickering light in an overhead housing. There is no way that the movable arms of Pickering can be recessed into the overhead housing of Campbell and make a workable combination. Certainly, nothing in that combination would encourage one to recess a light into an overhead housing and make that light "movable with respect to the housing". Nowhere in the

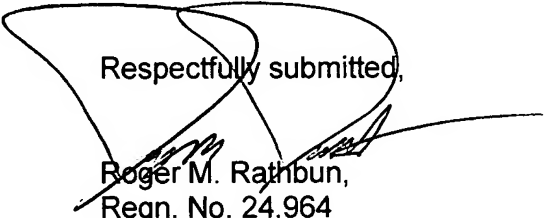
"combination, is the a suggestion or hint of a light recessed into fixed housing where the light moves omnidirectionally with respect to that housing.

As to the further references, neither Chang nor Mandleski are relevant to the present invention. Chang does not have omni-directional movement but merely a movement along one axis to change focus and Mandleski is simply an architectural light that has no relation to a light used in an infant care apparatus.

It is, therefore, submitted that the claims in the present application are in allowable form and an allowance of the present application is respectfully solicited.

13 Margarita Court  
Hilton Head Island, SC 29926

Respectfully submitted,



Roger M. Rathbun,  
Regn. No. 24,964  
Attorney for Applicants  
(843) 682-2501